

116TH CONGRESS
1ST SESSION

H. R. 1857

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2019

Mr. LOWENTHAL (for himself, Mr. CONNOLLY, Ms. NORTON, Ms. SCHAKOWSKY, Mr. FOSTER, Ms. CLARKE of New York, Ms. DELAURO, Mr. POCAN, Ms. MOORE, Ms. ESHOO, Mr. CÁRDENAS, Mr. GARAMENDI, Mr. ESPAILLAT, Mr. MCGOVERN, Ms. JACKSON LEE, Ms. ROYBAL-ALLARD, Mr. LYNCH, Ms. BARRAGÁN, Mr. O'HALLERAN, Ms. WASSERMAN SCHULTZ, Mr. SOTO, Mrs. TORRES of California, Mr. GRIJALVA, Mr. PAPPAS, Mr. SCHIFF, Mrs. WATSON COLEMAN, Mr. DEFazio, Mr. BROWN of Maryland, Mr. COOPER, Mr. BLUMENAUER, Mr. MORELLE, Mr. PALLONE, Mrs. DINGELL, Mr. AGUILAR, Ms. MCCOLLUM, Mr. MEEKS, Mr. RASKIN, Ms. MATSUI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SEAN PATRICK MALONEY of New York, Mr. PETERS, Ms. SPEIER, Ms. MENG, Mr. RYAN, Mr. PANETTA, Mr. KILMER, Mr. HASTINGS, Mr. RUSH, Mr. WELCH, Mr. MOULTON, Ms. OMAR, Ms. JAYAPAL, Mrs. DAVIS of California, Ms. LEE of California, Mr. TONKO, Ms. SHALALA, Ms. WILD, Ms. BONAMICI, Mr. HIGGINS of New York, Mr. SUOZZI, Mr. SERRANO, Mr. CARTWRIGHT, Mr. SWALWELL of California, Ms. HOULAHAN, Mr. SCHNEIDER, Mrs. MURPHY, Ms. HAALAND, Ms. TITUS, Mr. LAWSON of Florida, Mr. HUFFMAN, Mrs. BEATTY, Mr. QUIGLEY, Ms. LOFGREN, Mr. HIMES, Ms. DELBENE, Ms. ESCOBAR, Mr. SHERMAN, Ms. SCANLON, and Mr. MCEACHIN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy

for the Human Rights of LGBTI Peoples, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Human
 5 Rights Defense Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 9 TEES.—The term “appropriate congressional com-
 10 mittees” means—

11 (A) the Committee on Foreign Relations
 12 and the Committee on Appropriations of the
 13 Senate; and

14 (B) the Committee on Foreign Affairs and
 15 the Committee on Appropriations of the House
 16 of Representatives.

17 (2) GENDER IDENTITY.—The term “gender
 18 identity” means the gender-related identity, appear-
 19 ance, or mannerisms or other gender-related charac-
 20 teristics of an individual, regardless of the individ-
 21 ual’s designated sex at birth.

22 (3) LGBTI.—The term “LGBTI” means les-
 23 bian, gay, bisexual, transgender, or intersex.

1 (4) INTERSEX.—The term “intersex” means in-
2 dividuals born with sex characteristics (including
3 genitals, gonads, or chromosome patterns) that vary
4 from typical binary notions of male or female bodies
5 and is an umbrella term used to describe a wide
6 range of natural bodily variations.

7 (5) SEXUAL ORIENTATION.—The term “sexual
8 orientation” means actual or perceived homosex-
9 uality, heterosexuality, or bisexuality.

10 **SEC. 3. FINDINGS.**

11 Congress makes the following findings:

12 (1) Around the world, LGBTI people face vio-
13 lence, discrimination, hatred, and bigotry.

14 (2) Sixty-nine countries criminalize same-sex re-
15 lations and at least three countries prohibit the pub-
16 lic support of the LGBTI community. That is equal
17 to 35 percent of United Nations member states.

18 (3) In several countries, homosexuality is a
19 crime that is punishable by death.

20 (4) Intersex people experience prejudice and
21 discrimination because their bodies do not conform
22 to other people’s expectations about sex and gender,
23 including the common performance of medically un-
24 necessary surgeries without the consent or approval
25 of intersex individuals.

1 (5) Violence and discrimination based on sexual
2 orientation and gender identity are documented in
3 the Department of State’s annual Human Rights
4 Report to Congress. The 2017 report continues to
5 show a clear pattern of human rights violations in
6 every region of the world based on sexual orientation
7 and gender identity. These violations include mur-
8 der, rape, torture, death threats, extortion, and im-
9 prisonment, as well as loss of employment, housing,
10 access to health care, and other forms of societal
11 stigma and discrimination. The report further docu-
12 ments LGBTI-specific restrictions on basic freedoms
13 of assembly, press, and speech in every region of the
14 world.

15 (6) In Jamaica and other countries, discrimina-
16 tion against LGBTI people, including “corrective
17 rape” of lesbian women, occurs all too frequently
18 and with relative impunity.

19 (7) In 2013, the Russian Duma passed a law
20 banning so-called “homosexual propaganda”, which
21 effectively makes it a crime to publicly support
22 LGBTI equality or even discuss homosexuality. This
23 pernicious law is the basis for similar so-called
24 “antipropaganda” legislation in countries across

1 Eastern Europe and Central Asia, including in
2 Moldova, Kyrgyzstan, and Belarus.

3 (8) In December 2013, the Government of Ni-
4 geria adopted a law that further criminalized same-
5 sex relations and support for LGBTI people, endan-
6 gering neighbors, friends, doctors, and landlords of
7 LGBTI people.

8 (9) Several countries in South Asia continue to
9 have draconian laws that criminalize homosexual
10 acts, which place LGBTI people in danger and un-
11 dermine their ability to live free from persecution.

12 (10) In February 2014, the Government of
13 Uganda adopted a law making “aggravated homo-
14 sexuality” a crime punishable with life imprisonment
15 and concurrently, the Government of Uganda also
16 passed laws severely limiting the basic freedoms of
17 speech and assembly for LGBTI citizens. While the
18 Constitutional Court overturned the Anti-Homosex-
19 uality Act on a technicality in August 2014, LGBTI
20 Ugandans continue to be subjected to discrimination
21 and violence, and their government has in recent
22 years forcibly shut down even private Pride celebra-
23 tions in Kampala.

24 (11) On April 1, 2017, the Russian newspaper
25 Novaya Gazeta reported that the government of the

1 autonomous republic of Chechnya had been arrest-
2 ing, detaining, and torturing gay and bisexual men
3 in secret prisons since early 2017. International
4 human rights groups and Russian LGBTI rights ac-
5 tivists estimate that as many as 20 people may have
6 been murdered thus far and potentially over 200
7 people were detained during the purge. An OSCE
8 factfinding report released in December 2018 con-
9 firmed the atrocities, documenting “several waves of
10 violations of human rights abuses of persons based
11 on their sexual orientation and gender identity”. Re-
12 ports from early 2019 suggest the purge has contin-
13 ued.

14 (12) On May 23, 2017, and again on July 13,
15 2018, gay men were publicly caned in the Indo-
16 nesian province of Aceh, while thousands of spec-
17 tators snapped pictures outside a mosque as the bru-
18 tal punishment was meted out. Several times in
19 2017, police in Indonesia have arrested men at pri-
20 vate parties, sometimes releasing their photographs
21 to the news media, endangering their lives.

22 (13) In September 2017, reports emerged from
23 Azerbaijan that authorities had begun a crackdown
24 on gay men and transgender women, arresting more

1 than 60 and subjecting them to beatings, harass-
2 ment, torture, and blackmail.

3 (14) From September through December 2017,
4 over 70 LGBTI individuals were arrested in Egypt,
5 with dozens receiving prison sentences of up to six
6 years. In late 2017, authorities in Egypt instructed
7 local media to delete any positive references to
8 LGBTI people, and lawmakers proposed a bill that
9 would criminalize LGBTI people and their allies.
10 The arrests continued in 2018, with a Cairo-based
11 LGBTI rights organization documenting 76 arrests
12 for alleged same-sex conduct in 2018.

13 (15) Anti-LGBTI laws not only endanger all
14 LGBTI individuals, but also pose serious risks for
15 those associated with or caring for LGBTI people.
16 Studies have shown that when LGBTI people, espe-
17 cially LGBTI youth, face discrimination, they are
18 less likely to seek HIV testing, prevention, and
19 treatment services.

20 (16) According to the Trans Murder Monitoring
21 Project, which monitors homicides of transgender in-
22 dividuals, there were at least 369 cases of reported
23 killings of trans and gender-diverse people between
24 October 2017 and September 2018, an increase over
25 previous years. The organization reports that a “ma-

1 jority of the murders occurred in Brazil (167), Mex-
2 ico (71), the United States (28), and Colombia (21),
3 adding up to a total of 2982 reported cases in 72
4 countries worldwide between 1st of January 2008
5 and 30th of September 2018”.

6 (17) According to the International Guidelines
7 on HIV/AIDS and Human Rights, as published by
8 the United Nations High Commissioner for Human
9 Rights, and according to the July 2017 report of the
10 Independent Expert on protection against violence
11 and discrimination based on sexual orientation and
12 gender identity, countries should review and reform
13 criminal laws and correctional systems to ensure
14 that they are consistent with international human
15 rights obligations and are not misused or targeted
16 against vulnerable groups.

17 (18) Removing institutionalized discrimination
18 and targeted persecution against LGBTI people
19 around the world is a critical step in the promotion
20 of human rights and global health internationally.

21 (19) Anti-LGBTI laws and discrimination pose
22 significant risks for LGBTI youth who come out to
23 their family or community and often face rejection,
24 homelessness, and limited educational and economic
25 opportunities. These factors contribute to increased

1 risks of substance abuse, suicide, and HIV infection
2 among LGBTI youth.

3 (20) On December 6, 2011, President Barack
4 Obama released the “Presidential Memorandum—
5 International Initiatives to Advance the Human
6 Rights of Lesbian, Gay, Bisexual, and Transgender
7 Persons”. The memorandum directed all Federal
8 agencies engaged abroad to ensure that United
9 States diplomacy and foreign assistance promote and
10 protect the human rights of LGBTI persons.

11 (21) On February 23, 2015, Secretary of State
12 John Kerry appointed senior diplomat Randy Berry
13 as the Department of State’s first-ever Special
14 Envoy for the Human Rights of LGBTI Persons.
15 Secretary Pompeo pledged to re-fill that position
16 during his April 2018 confirmation hearing, but has
17 yet to do so.

18 (22) On June 30, 2016, the United Nations
19 Human Rights Council passed a resolution cospon-
20 sored by the United States that established an inde-
21 pendent expert on violence and discrimination based
22 on sexual orientation and gender identity to help
23 monitor and track discrimination and violence expe-
24 rienced by LGBTI persons around the world.

1 (23) In November 2016, the Government of
2 Tanzania placed a ban on all HIV and AIDS out-
3 reach projects aimed at gay men, including those
4 funded by the President’s Emergency Plan for AIDS
5 Relief. This forced the closure of United States-
6 funded programs providing testing, condoms, and
7 care to gay men, exacerbating the health needs of
8 gay men in Tanzania, about 30 percent of whom are
9 HIV positive. In 2018, various government officials
10 have announced crackdowns on the LGBTI commu-
11 nity, including a threat by the governor of the larg-
12 est city, who announced a purge on LGBTI individ-
13 uals and asked the public to report them. Reports
14 suggest that many people have been arrested and
15 more are in hiding.

16 (24) In February 2017, three transgender
17 women were murdered in El Salvador with impunity,
18 leading the United Nations to call for an investiga-
19 tion into crimes against sexual and gender minorities
20 in that country. A 2016 report noted that
21 transgender women in El Salvador have an average
22 life expectancy of less than 35 years due to violence,
23 discrimination, and femicide.

24 (25) Extreme violence in El Salvador, Nica-
25 ragua, Guatemala, and Honduras has driven LGBTI

1 people to flee their countries or origin to the United
2 States for protection. LGBTI people were among the
3 first asylum seekers in the migrant “caravans” ar-
4 riving at the United States-Mexico border.

5 (26) At the annual Summit of Commonwealth
6 Nations in April 2018, United Kingdom Prime Min-
7 ister Theresa May issued an apology for discrimina-
8 tory laws criminalizing same-sex relationships that
9 were imposed on British colonies around the world.
10 She also announced the creation of a fund to sup-
11 port legal reform efforts.

12 (27) In April 2018, Trinidad and Tobago’s
13 High Court of Justice issued a landmark ruling de-
14 claring that laws which criminalize same-sex rela-
15 tionships between consenting adults are unconstitu-
16 tional.

17 (28) In April 2014, the Supreme Court of India
18 recognized transgender people as a third gender, im-
19 proving the legal rights of transgender people in that
20 country. Though an important step, the decision
21 does not grant full legal rights to transgender peo-
22 ple.

23 (29) In September 2018, the Supreme Court of
24 India issued a unanimous decision decriminalizing
25 same-sex relationships across the country. The land-

1 mark case is likely to support similar legal chal-
2 lenges to colonial-era sodomy laws in other former
3 British colonies, since the Indian sodomy law was
4 the model used for other British colonies.

5 (30) Angola decriminalized same-sex relation-
6 ships in January 2019, and prohibited discrimina-
7 tion against people on the basis of sexual orienta-
8 tion.

9 (31) In January 2018, the Inter-American
10 Court of Human Rights issued an advisory opinion
11 declaring that the American Convention on Human
12 Rights, adopted at San Jose November 22, 1969,
13 grants the right of transgender people to change
14 their name and gender on public documents, and
15 that same-sex couples must be granted full legal
16 rights, including the right to marriage. This ruling
17 is animating legal reforms and human rights cases
18 across the Americas.

19 (32) In September 2018, the legislature in
20 Chile passed a groundbreaking legal gender recogni-
21 tion law, which allows transgender individuals to
22 self-determine their legal gender in official docu-
23 ments without a judicial determination or medical
24 interventions. The Government of Uruguay passed a
25 similarly expansive gender recognition law in 2018.

1 **SEC. 4. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to take effective action to prevent and re-
4 spond to discrimination and violence against all peo-
5 ple on any basis internationally, including sexual ori-
6 entation, gender identity, and sex characteristics,
7 and that human rights policy includes attention to
8 criminalization, hate crimes, and other discrimina-
9 tion against LGBTI people;

10 (2) to systematically integrate and coordinate
11 into United States foreign policy efforts to prevent
12 and respond to criminalization, discrimination, and
13 violence against LGBTI people internationally;

14 (3) to support and build local capacity in coun-
15 tries around the world, including of governments at
16 all levels and nongovernmental organizations, to pre-
17 vent and respond to criminalization, discrimination,
18 and violence against LGBTI people internationally;

19 (4) to consult, cooperate, coordinate, and col-
20 laborate with a wide variety of nongovernmental
21 partners, including faith-based organizations and
22 LGBTI-led organizations, with demonstrated experi-
23 ence in preventing and responding to criminalization,
24 discrimination, and violence against LGBTI people
25 internationally;

1 (5) to employ a multisectoral approach to pre-
2 venting and responding to criminalization, discrimi-
3 nation, and violence against LGBTI people inter-
4 nationally, including activities in the economic, edu-
5 cation, health, nutrition, legal, and judicial sectors;

6 (6) to work at all levels, from the individual to
7 the family, community, local, national, and inter-
8 national levels, to prevent and respond to criminal-
9 ization, discrimination, and violence against LGBTI
10 people internationally;

11 (7) to enhance training by United States per-
12 sonnel of professional foreign military and police
13 forces and judicial officials to include appropriate
14 and thorough LGBTI-specific instruction on pre-
15 venting and responding to criminalization, discrimi-
16 nation, and violence based on sexual orientation and
17 gender identity;

18 (8) to engage non-LGBTI people as allies and
19 partners, as an essential element of making sus-
20 tained reductions in criminalization, discrimination,
21 and violence against LGBTI people internationally;

22 (9) to require that all Federal contractors and
23 grant recipients in the United States Government's
24 international programs establish appropriate policies
25 and take effective measures to ensure the protection

1 and safety of their staff and workplace, including
2 from discrimination and violence directed against
3 LGBTI people and those who provide services to
4 them;

5 (10) to exert sustained international leadership,
6 including in bilateral and multilateral fora, to pre-
7 vent and respond to criminalization, discrimination,
8 and violence against LGBTI people internationally;

9 (11) to fully implement and expand upon the
10 policies outlined in the “Presidential Memo-
11 randum—International Initiatives to Advance the
12 Human Rights of Lesbian, Gay, Bisexual, and
13 Transgender Persons”;

14 (12) to ensure that international efforts to com-
15 bat HIV/AIDS take all appropriate measures to sup-
16 port at-risk communities, including LGBTI people,
17 and to create enabling legal environments for these
18 communities;

19 (13) to work with governments and nongovern-
20 mental partners around the world to develop and im-
21 plement regional strategies to decriminalize homo-
22 sexuality and to counteract the prohibition of public
23 support of LGBTI people; and

24 (14) to ensure that those who have a well-
25 founded fear of persecution on account of being

1 LGBTI or supporting LGBTI rights have the oppor-
2 tunity to seek protection in the United States.

3 **SEC. 5. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF LGBTI**
4 **PEOPLE.**

5 (a) ESTABLISHMENT.—The Secretary of State shall
6 establish in the Bureau of Democracy, Human Rights,
7 and Labor (DRL) of the Department of State a perma-
8 nent Special Envoy for the Human Rights of LGBTI Peo-
9 ples (in this section referred to as the “Special Envoy”),
10 who shall be appointed by the President. The Special
11 Envoy shall report directly to the Assistant Secretary for
12 Democracy, Human Rights, and Labor.

13 (b) PURPOSE.—In addition to the duties described in
14 subsection (c) and those duties determined by the Sec-
15 retary of State, the Special Envoy shall direct efforts of
16 the United States Government relating to United States
17 foreign policy, as directed by the Secretary, regarding
18 human rights abuses against LGBTI people and commu-
19 nities internationally and the advancement of human
20 rights for LGBTI people, and shall represent the United
21 States internationally in bilateral and multilateral engage-
22 ment on such matters.

23 (c) DUTIES.—

24 (1) IN GENERAL.—The Special Envoy—

1 (A) shall serve as the principal advisor to
2 the Secretary of State regarding human rights
3 for LGBTI people internationally;

4 (B) shall, notwithstanding any other provi-
5 sion of law, direct activities, policies, programs,
6 and funding relating to the human rights of
7 LGBTI people and the advancement of LGBTI
8 equality initiatives internationally, for all bu-
9 reaus and offices of the Department of State,
10 and shall lead the coordination of relevant
11 international programs for all other Federal
12 agencies relating to such matters;

13 (C) shall represent the United States in
14 diplomatic matters relevant to the human rights
15 of LGBTI people, including criminalization, dis-
16 crimination, and violence against LGBTI people
17 internationally;

18 (D) shall direct, as appropriate, United
19 States Government resources to respond to
20 needs for protection, integration, resettlement,
21 and empowerment of LGBTI people in United
22 States Government policies and international
23 programs, including to prevent and respond to
24 criminalization, discrimination, and violence
25 against LGBTI people internationally;

1 (E) shall design, support, and implement
2 activities regarding support, education, resettle-
3 ment, and empowerment of LGBTI people
4 internationally, including for the prevention and
5 response to criminalization, discrimination, and
6 violence against LGBTI people internationally;

7 (F) shall lead interagency coordination be-
8 tween the foreign policy priorities related to the
9 human rights of LGBTI people and the devel-
10 opment assistance priorities of the LGBTI Co-
11 ordinator of the United States Agency for
12 International Development;

13 (G) shall conduct regular consultation with
14 nongovernmental organizations working to pre-
15 vent and respond to criminalization, discrimina-
16 tion, and violence against LGBTI people inter-
17 nationally;

18 (H) shall ensure that programs, projects,
19 and activities of the Department of State and
20 the United States Agency for International De-
21 velopment designed to prevent and respond to
22 criminalization, discrimination, and violence
23 against LGBTI people internationally are sub-
24 ject to rigorous monitoring and evaluation, and
25 that there is a uniform set of indicators and

1 standards for such monitoring and evaluation
2 that is used across international programs in
3 Federal agencies; and

4 (I) is authorized to represent the United
5 States in bilateral and multilateral fora on mat-
6 ters relevant to the human rights of LGBTI
7 people internationally, including criminalization,
8 discrimination, and violence against LGBTI
9 people internationally.

10 (2) DATA REPOSITORY.—The Bureau of De-
11 mocracy, Human Rights, and Labor shall—

12 (A) be the central repository of data on all
13 United States programs, projects, and activities
14 that relate to prevention and response to crim-
15 inalization, discrimination, and violence against
16 LGBTI people internationally; and

17 (B) produce—

18 (i) a full accounting of United States
19 Government spending on such programs,
20 projects, and activities; and

21 (ii) evaluations of the effectiveness of
22 such programs, projects, and activities.

23 (d) BRIEFINGS AND ASSESSMENTS.—Not later than
24 180 days after the date of the enactment of this Act and
25 annually thereafter, the Special Envoy shall—

1 (1) brief the appropriate congressional commit-
2 tees on the status of the human rights of LGBTI
3 people internationally, as well as on the status of
4 programs and response strategies to address crim-
5 inalization, discrimination, and violence against
6 LGBTI people internationally; and

7 (2) submit to the appropriate congressional
8 committees an assessment of human and financial
9 resources necessary to fulfill the purposes and duties
10 of this Act.

11 (e) UNITED STATES POLICY TO PREVENT AND RE-
12 SPOND TO CRIMINALIZATION, DISCRIMINATION, AND VIO-
13 LENCE AGAINST LGBTI PEOPLE GLOBALLY.—

14 (1) GLOBAL STRATEGY REQUIREMENT.—Not
15 later than 180 days after the date of the enactment
16 of this Act, and annually thereafter for each of the
17 following five years, the Special Envoy shall develop
18 or update, as the case may be, a United States glob-
19 al strategy to prevent and respond to criminaliza-
20 tion, discrimination, and violence against LGBTI
21 people internationally. The Special Envoy shall sub-
22 mit the global strategy to the appropriate congress-
23 sional committees and, if practicable, make the glob-
24 al strategy available to the public.

1 (2) COLLABORATION AND COORDINATION.—In
2 developing the global strategy required under para-
3 graph (1), the Special Envoy shall consult with—

4 (A) mid- and high-level officials of relevant
5 Federal agencies; and

6 (B) representatives of nongovernmental or-
7 ganizations with demonstrated experience in ad-
8 dressing criminalization, discrimination, and vi-
9 olence against LGBTI people internationally or
10 promoting equal rights for LGBTI people inter-
11 nationally.

12 (f) MONITORING THE UNITED STATES STRATEGY TO
13 PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-
14 NATION, AND VIOLENCE AGAINST LGBTI PEOPLE AND
15 COMMUNITIES INTERNATIONALLY.—

16 (1) IN GENERAL.—In each global strategy sub-
17 mitted under subsection (e), the Special Envoy shall
18 include an analysis of best practices for preventing
19 and addressing criminalization, discrimination, and
20 violence against LGBTI people and communities
21 internationally, including—

22 (A) a description of successful efforts by
23 foreign governments and nongovernmental or-
24 ganizations to prevent and respond to criminal-

1 ization, discrimination, and violence against
2 LGBTI people and communities internationally;

3 (B) recommendations related to best prac-
4 tices, effective strategies, and improvements to
5 enhance the impact of such prevention and re-
6 sponse efforts; and

7 (C) the impact of activities funded by the
8 global strategy in preventing and reducing
9 criminalization, discrimination, and violence
10 against LGBTI people and communities inter-
11 nationally.

12 (2) INFORMATION REQUIRED TO BE INCLUDED
13 IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS
14 PRACTICES.—

15 (A) SECTION 116.—Section 116(d) of the
16 Foreign Assistance Act of 1961 (22 U.S.C.
17 2151n(d)) is amended—

18 (i) in paragraph (11)(C), by striking
19 “; and” and inserting a semicolon;

20 (ii) in paragraph (12)(C)(ii), by strik-
21 ing the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing new paragraph:

1 “(13) wherever applicable, the nature and ex-
2 tent of criminalization, discrimination, and violence
3 based on sexual orientation and gender identity, in-
4 cluding an identification of those countries that have
5 adopted laws or constitutional provisions that crim-
6 inalize or discriminate based on sexual orientation or
7 gender identity (as those terms are defined in sec-
8 tion 2 of the International Human Rights Defense
9 Act of 2019), including detailed descriptions of such
10 laws and provisions.”.

11 (B) SECTION 502B.—Section 502B of the
12 Foreign Assistance Act of 1961 (22 U.S.C.
13 2304) is amended—

14 (i) by redesignating the second sub-
15 section (i) (relating to child marriage sta-
16 tus) as subsection (j); and

17 (ii) by adding at the end the following
18 new subsection:

19 “(k) SEXUAL ORIENTATION AND GENDER IDEN-
20 TITY.—The report required under subsection (b) shall in-
21 clude, wherever applicable, the nature and extent of crim-
22 inalization, discrimination, and violence based on sexual
23 orientation and gender identity, including an identification
24 of those countries that have adopted laws or constitutional
25 provisions that criminalize or discriminate based on sexual

1 orientation or gender identity (as those terms are defined
2 in section 2 of the International Human Rights Defense
3 Act of 2018), including detailed descriptions of such laws
4 and provisions.”.

5 **SEC. 6. IMPLEMENTATION OF THE UNITED STATES STRAT-**
6 **EGY TO PREVENT AND RESPOND TO CRIM-**
7 **INALIZATION, DISCRIMINATION, AND VIO-**
8 **LENCE AGAINST LGBTI PEOPLE AND COMMU-**
9 **NITIES INTERNATIONALLY.**

10 The Secretary of State and the Administrator of the
11 United States Agency for International Development are
12 authorized to provide assistance to prevent and respond
13 to criminalization, discrimination, and violence against
14 LGBTI people internationally. Such assistance may in-
15 clude the following activities:

16 (1) Development and implementation of pro-
17 grams, such as the Global Equality Fund of the De-
18 partment of State, that respond to human rights
19 abuses and economic exclusion of LGBTI people in
20 the workplace and in public.

21 (2) Development and enforcement of civil and
22 criminal legal and judicial sanctions, protection,
23 training, and capacity.

24 (3) Enhancement of health sector capacity to
25 detect, prevent, and respond to violence against

1 LGBTI people and communities internationally, and
2 to combat HIV/AIDS in the LGBTI community
3 internationally, in close coordination with the Office
4 of the Global AIDS Coordinator and Health Diplo-
5 macy of the Department of State.

6 (4) Development of a leadership program for
7 international LGBTI activists that will foster col-
8 laboration and knowledge sharing across the world.

○